

#7  
Rec'd PCT 10 28 FEB 2006

10/530393

Express Mail No.: EV 531 713 138 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Kenneth P. LeClair and Pramod K. Srivastava	Confirmation No.:	6248
Serial No.:	10/530,393 (national stage of PCT/US03/32167 filed October 7, 2003)	Art Unit:	To be assigned
Filed:	October 7, 2003	Examiner:	To be assigned
For:	HEAT SHOCK PROTEIN BINDING FRAGMENTS OF CD91, AND USES THEREOF	Attorney Docket No:	8449-304-999
		CAM:	708584-999303

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Response is submitted in reply to the Notification of Defective Response ("Notification") mailed February 6, 2006, in connection with the above-identified application. A copy of the Notification is attached. Applicants also submit herewith a petition for an extension of time for responding to the Notification of Missing Requirements Under 35 U.S.C. § 371 mailed October 31, 2005 (the "Notice of Missing Parts"), for an additional one month, from January 31, 2006 up to and including February 28, 2006, with a provision authorizing the payment of the appropriate fee. A petition for an extension of time for one month, extending the time for response to January 31, 2006, was previously filed on January 20, 2006.

The Notification states that Applicants' response to the Notice of Missing Parts mailed January 20, 2006 was defective because of a change in the name of the inventor Kenneth LeClair from "Ken LeClair" to "Kenneth LeClair" on the executed Declaration.

Pursuant to a telephone conversation between a representative of attorneys for Applicants and the PCT Help Desk agent on February 24, 2006, attorneys for Applicants hereby respond to the Notification by making the following statement, as suggested by the PCT Help Desk agent. Applicants' representatives hereby affirm that Ken LeClair and Kenneth LeClair are one and the same person and further that Mr. LeClair's legal name was Kenneth LeClair at the time of filing the international application of which this application is the U.S. national stage counterpart. Applicants' representatives submit that the short form of

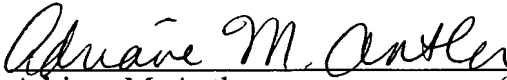
07/28/2006 CSHOOT 00000001 503013 10530393  
S313 Csf: 04020001 D00: 503013 10530393  
01 FL:1452 400.00 DA

Mr. LeClair's first name, "Ken," was erroneously listed on the application filing papers without deceptive intent. It is respectfully requested that the application information be changed to reflect the correct spelling of Kenneth LeClair's name.

It is estimated that no fee, other than the fee for an additional one month extension of time, is required in connection with the filing of this Response. However, if any additional fee is required, please charge the amount of any such required fee to Jones Day Deposit Account No. 50-3013.

Date: February 28, 2006

Respectfully submitted,

 32,605  
Adriane M. Antler (Reg. No.)

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
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*Enclosures*



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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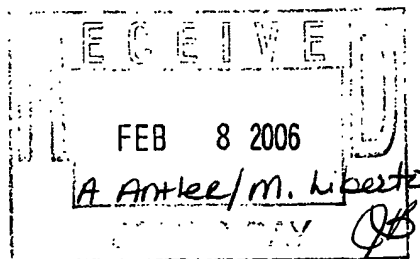
U.S. APPLICATION NUMBER NO. 10/530,393 ✓	FIRST NAMED APPLICANT Ken LeClair	ATTY. DOCKET NO. ✓ 8449-304-999
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INTERNATIONAL APPLICATION NO.

PCT/US03/32167

LA. FILING DATE 10/07/2003	PRIORITY DATE 10/07/2002
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20583  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017



CONFIRMATION NO. 6248

371 FORMALITIES LETTER



\*OC000000017974484\*

Date Mailed: 02/06/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

*Oath/Decl/Fee  
due 2/28/06.  
(2 extensions)*

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 04/04/2005
- Preliminary Amendments filed on 04/04/2005
- Biochemical Sequence Diskette filed on 04/04/2005
- Oath or Declaration filed on 01/20/2006
- Biochemical Sequence Listing filed on 04/04/2005
- Small Entity Statement filed on 04/04/2005
- Request for Immediate Examination filed on 04/04/2005
- U.S. Basic National Fees filed on 04/04/2005
- Priority Documents filed on 04/04/2005

Applicant's response filed 01/20/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/31/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - There is a change in the 1st inventor's first name. One of the declaration has Kenneth Le Clair and the other has Ken Le Clair. I do have an IB Form 306 indicating any changes from the names that appear on the published application.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,393	PCT/US03/32167	8449-304-999

FORM PCT/DO/EO/916 (371 Formalities Notice)